

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DAVID S. CHANEY
Chief Assistant Attorney General
3 FRANCES T. GRUNDER
Senior Assistant Attorney General
4 THOMAS S. PATTERSON
Supervising Deputy Attorney General
5 KENNETH T. ROOST, State Bar No. 231444
Deputy Attorney General
6 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
7 Telephone: (415) 703-5824
Fax: (415) 703-5843
8 Email: Ken.Roost@doj.ca.gov

9 Attorneys for Defendants
Sather, Crawford, Curry, and Abanico

11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 **IVAN VERNARD CLEVELAND,**

16 Plaintiff,

17 v.

18 **BEN CURRY, Warden, et al.,**

19 Defendants.

C 07-2809 JF (PR)

**DECLARATION OF N.
GRANNIS IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS**

20
21 I, N. Grannis, declare as follows:

22 1. I am employed as the Chief of Inmate Appeals by the California Department of
23 Corrections and Rehabilitation (CDCR). I have personal knowledge of each of the matters set
24 forth below and if called as a witness could and would competently testify thereto. I submit this
25 Declaration in support of Defendants' motion to dismiss.

26 2. I am responsible for the oversight of the CDCR's Inmate Appeals Branch. In that
27 capacity, I have obtained personal knowledge of the inmate appeals process and departmental
28 rules and regulations.

1 3. The Inmate Appeals Branch keeps an electronic record of each inmate appeal that has
2 proceeded through the final level of review within the administrative-appeal system, the
3 Director's level, since 1993.

4 4. The inmate-appeal records are made at or near the time that the inmate grievances are
5 investigated and decided, and they are made by a person with knowledge of the matters
6 addressed, or according to information provided by a person with knowledge of those matters.
7 These appeal records are made and kept in the course of regularly conducted activity, as a regular
8 practice.

9 5. Attached as Exhibit A is a true and correct copy of the Inmate Appeals Branch
10 computer printout report, which dates back to 1993, of each inmate appeal that was submitted by
11 inmate Ivan Cleveland (Plaintiff), completed all levels of review, and culminated in a final
12 review by the Director's level. Plaintiff's CDCR No. is H-60545. Plaintiff's four fully
13 exhausted appeals are listed under "Accepted Appeals."

14 6. Also in Exhibit A is a true and correct copy of the Inmate Appeals Branch computer
15 printout report, which dates back to 2000, of each inmate appeal that was submitted by Plaintiff
16 and screened out. Plaintiff's four screened-out appeals are listed under "Screen Outs."


17 7. Exhibit A indicates that Plaintiff has been housed at the Correctional Training Facility
18 (CTF) since September 21, 2005. Appeals are assigned institutional log numbers to identify the
19 prison from which the appeal originated. Institutional log numbers rising from CTF begin with
20 the "CTF-" prefix.

21 7. Exhibit A demonstrates that since 1993, Plaintiff has submitted four appeals
22 culminating in final review by the Director's Level. Exhibit A shows that three of these
23 exhausted appeals originated from CTF, and are identified by the following institutional log
24 numbers: CTF-06-03011, CTF-07-01924, and CTF-07-01050.

25 8. Exhibit A also shows that since 2000, Plaintiff has submitted four appeals to the
26 Inmate Appeals Branch that were screened out. As Exhibit A demonstrates, one of these
27 screened-out appeals does not have a corresponding Institutional Log Number; this appeal
28 concerned a transfer issue, and was not completed through the second level. Exhibit A further

1 shows that only one of the three remaining screened-out appeals originated from CTF; this
2 appeal is identified by institutional log number CTF-07-02428.

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4 I declare under penalty of perjury that the foregoing is true and correct. Executed at
5 Sacramento, California, on March 27 2008.

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8 N. Grannis
9 Chief, Inmate Appeals Branch
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